

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FILED

8/22/2019

Clerk, U.S. District Court
District of Montana
Helena Division

UNITED STATES OF AMERICA,

Plaintiff,

vs.

K. JEFFERY KNAPP,

Defendant.

CR-19-03-H-CCL

ORDER

Defendant K. Jeffery Knapp having waived his right to be charged by indictment in open court and having entered a plea of not guilty to the superseding information,

IT IS HEREBY ORDERED that the parties' joint motion to waive grand jury indictment (Doc. 30) and Defendant's unopposed motion to continue trial (Doc. 33) are GRANTED. The jury trial set for September 3, 2019, is VACATED and RESET for October 22, 2019, at 9:30 a.m. in Courtroom II, United States Courthouse, 901 Front Street, Helena, Montana before the undersigned sitting with a jury. For purposes of the Speedy Trial Act, the parties have agreed that the filing of the superseding information restarts the clock, based on the substantive change in the essential elements of the crime with which Defendant is charged.

IT IS FURTHER ORDERED:

All substantive pretrial motions, including motions in limine, and supporting briefs shall be filed by September 3, 2019. Responsive briefs shall be due no later than September 17, 2019, and reply briefs, if any, or written notice to the court that none will be filed shall be filed by September 24, 2019. **No extension will be granted on these deadlines except for good cause shown.**

Requests for extension shall be filed no later than five days prior to the filing deadlines.

Any plea agreement shall be received in the Clerk's Office by 3:00 p.m. on **October 1, 2019**, which means that the plea agreement should be filed simultaneously with a motion to change plea by the deadline. Motions for enlargement of time in which to file a plea agreement shall be filed no later than **September 24, 2019**. In the absence of a motion to extend the plea agreement deadline and except for good cause shown, no plea agreement will be considered by the court thereafter.

Any party seeking a continuance of the trial date shall file a motion to continue on or before **September 24, 2019**. Late filing of motions to continue or plea agreements may result in assessment of costs or imposition of other sanctions against the parties and/or counsel.

Proposed voir dire questions, proposed jury instructions, and a verdict form shall be filed by **October 8, 2019**. The parties shall jointly prepare jury instructions upon which they agree (proposed joint instructions). If necessary, each party may also prepare a set of proposed supplemental instructions if different from agreed joint instructions. **No two instructions shall be submitted with the same number.**

The parties shall also prepare an agreed upon verdict form with the instructions. If a verdict form cannot be agreed to, each party shall prepare a separate verdict form together with a written statement explaining why they do not agree on a joint verdict form.

The Government shall file one working copy of the Joint Proposed Jury Instructions and Joint Proposed Verdict Form; all parties shall file any Supplemental Proposed Jury Instructions and Separate Verdict Form; and all parties shall e-mail all such filed documents and a clean copy of each, in WordPerfect, Word or a compatible program, omitting macros or special coding or formatting other than appropriate citation format, to ccl_propord@mtd.uscourts.gov.

The format of Jury Instructions shall be:

- 1) The “clean copy” shall contain:
 - (A) a heading reading “Instruction No. ____”, and

- (B) the text of the instruction.
- 2) The “working copy” shall contain:
- (A) a heading reading “Instruction No. __”,
 - (B) the text of the instruction,
 - (C) the number of the proposed instruction,
 - (D) the legal authority for the instruction, and
 - (E) the title of the instruction; i.e., the issue of law addressed by the proposed instruction.
- 3) Jury instructions shall be prepared in 14-point Times New Roman font.

The United States shall use exhibit numbers 1-499, and defendants shall use 500 and up. If the case has multiple defendants, it shall be defense counsel’s responsibility to coordinate with each other as to not duplicate exhibit numbers. In no event shall two or more parties use identical numbers.

The original and two copies of all exhibits to be used at trial are to be bound in loose leaf binders with extended tabs, and submitted to Chambers on or before **October 1, 2019.**

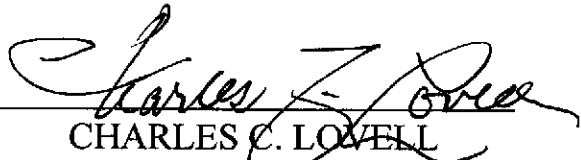
The parties shall be prepared to use the Jury Evidence Recording System (JERS). JERS allows jurors to use a touch-screen to see the evidence admitted at trial in the jury room during their deliberations. JERS is NOT designed to present evidence in the courtroom. Counsel are responsible for showing their own

exhibits during trial or advising the courtroom deputy of their intended request for the deputy to display paper exhibits through the Doar system. Detailed information about how to use JERS, including the proper naming convention and form of exhibits, is found on the Court's website, <http://www.mtd.uscourts.gov/> under the heading "Attorneys." Parties must submit their exhibits in proper form to the Clerk's office no later than one week before trial.

To aid and assist the court in preparing for trial and in trying the case,

IT IS FURTHER ORDERED that the Government shall submit to the court on or before **October 15, 2019**, for the exclusive use of the Court, a trial brief and two trial notebooks containing: (a) a short summary of the nature and substance of the testimony of the witness; (b) a list of all the exhibits to be used with that witness; and (c) a list containing a description of each exhibit to be used with each witness. The trial brief shall include legal authority as to the Government's position on all legal issues and evidentiary rulings and any anticipated objections thereto. Counsel for defendant may, but is not required to, submit to the court a similar trial brief from defendant's perspective.

Done and dated this 22nd day of August, 2019.


CHARLES C. LOVELL
SENIOR UNITED STATES DISTRICT JUDGE